

MEETING ASSISTANCE NOTICE - AMERICANS WITH DISABILITIES ACT

In accordance with the Americans with Disabilities Act the following services are available to members of our community who require special assistance to participate in City Council and Redevelopment Agency meetings. If you require, American Sign Language interpreters, a reader during the meeting, and/or large print agendas, to make arrangements, please call: **Office of the City Clerk (714) 536-5227**.

To make arrangements for an assisted listening system (ALD) for the hearing impaired, please contact: the **Sergeant at Arms (714) 960-8806** or the **City Clerk (714) 536-5227**.

72 hours prior notification will enable the city to make reasonable arrangements to ensure accessibility to a meeting.

ACTION AGENDA

CITY COUNCIL/REDEVELOPMENT AGENCY CITY OF HUNTINGTON BEACH

MONDAY, OCTOBER 15, 2001

5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

5:00 P.M. - Room B-8

Call City Council/Redevelopment Agency Meeting To Order

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present – Green arrived 5:05 p.m.; Garofalo absent]

Public Comments Regarding Study Session and Closed Session Agenda Items

[None]

(City Council/Redevelopment Agency) Study Session Presentation by the Community Services Department Consultant, Pulse Marketing Re: the Park In-Lieu Fee Nexus Study (340.20)

A representative from Pulse Marketing will present a status report of the activities to date regarding the park in-lieu fee and nexus study titled *City of Huntington Beach, Park Strategy and Fee Nexus Study, Summary of Key Findings and Policy Options*. A presentation of funding concepts will also be presented for Council discussion.

[Presentation made by Community Services Director]

[Consultant was not able to attend session.]

**COMPUTER INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY
AGENDAS IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS**

<http://www.ci.huntington-beach.ca.us>

Call Closed Session of City Council/Redevelopment Agency

Recommended Action: Motion to recess to Closed Session on the following items:

[Approved 6-0-1 (Garofalo absent)]

1. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Estates at Seacliff Homeowners Association v. City of Huntington Beach**; Orange County Superior Court Case No. 00CC01466. Subject: **Estates at Seacliff Homeowners Association v. City of Huntington Beach**. (120.80)
2. **(City Council) Closed Session** – Pursuant to Government Code Section 54957.6 to meet with its designated representatives, Agency Negotiators: William Workman, Assistant City Administrator; William Osness, Personnel Director; Richard Whitmore, Esq. of Whitmore, Johnson & Bolanos; and Steven M. Berliner, Esq. of Liebert, Cassidy and Frierson regarding **labor relations matters - meet and confer** with the following employee organizations: HBMEA and HBMEO. Subject: **Labor Relations - Meet & Confer**. (120.80)
3. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Russell Reinhart v. City of Huntington Beach, et al.**; U.S. District Court Case No. SACV 00-11598 RJK (MANx). Subject: **Russell Reinhart v. City of Huntington Beach, et al.** (120.80)
4. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Huntington Beach Police Officers Association v. City of Huntington Beach**; Orange County Superior Court Case No. 00CC13068 [Pacific Care]. Subject: **Huntington Beach Police Officers Association v. City of Huntington Beach**. (120.80)
5. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Huntington Beach Police Officers Association, et al. v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 00CC15105 [Per Diem]. Subject: **Huntington Beach Police Officers Association, et al. v. City of Huntington Beach, et al.** (120.80)
6. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Huntington Beach Police Officers Association v. City of Huntington Beach**; Orange County Superior Court Case No. 00CC10254 [Workers' Comp/Health Insurance]. Subject: **Huntington Beach Police Officers Association v. City of Huntington Beach**. (120.80)

7. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Opp v. City of Huntington Beach, et al.**; Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 (Opp I). Subject: **Opp v. City of Huntington Beach, et al. (Opp I).** (120.80)

8. **(City Council) Closed Session** – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Opp v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 748927 (Opp II). Subject: **Opp v. City of Huntington Beach, et al. (Opp II).** (120.80)

The City Council and the Redevelopment Agency of the City of Huntington Beach will regularly convene in joint session for the purpose of considering the following City Council-Redevelopment Agency Agenda Items.

The Huntington Beach Parking Authority, Civic Improvement Corporation, and the Huntington Beach Public Financing Authority are also agencies on which Council serves as members. On each Agenda these Agencies may have items scheduled.

7:20 P.M. - Council Chambers

Reconvene City Council/Redevelopment Agency Meeting

- ** The City Attorney Shall Determine If Any Actions Taken By The City Council or Redevelopment Agency In Closed Session Shall Require A Reporting On Those Actions As Required By Law (Government Code §54957.1(a) (3) (B)).**

[None]

Roll Call Green, Boardman, Cook, Julien Houchen, Garofalo, Dettloff, Bauer

[Present]

Flag Ceremony and Pledge of Allegiance – Cub Scouts, Webelos, Pack 1, Den 5, from Peterson School, Seacliff School and Huntington Christian School. Cub Scout Leader, Laurie Rebd.

Invocation – Reverend Peggy Price, Huntington Beach Church of Religious Science.

Pursuant to the Brown Act (Open Meetings Act) the City Clerk Announces Late Communications Received by Her Office Which Pertain to Items on the Agenda

(1) Copies of late communications submitted by City Councilmembers or City Departments are available for the public at the City Clerk's desk. **(2)** Late communications submitted by members of the public will be made available to the public at the City Clerk's Office the morning after the Council meeting.

[City Clerk announced Late Communications regarding Agenda Items: C-2a; D-1; F-1; F-2; F-3; and F-4.]

Presentation – To Mayor Pam Julien Houchen, City Council, and City Administrator Ray Silver, by Susan Johnson, Coastal Regional Manager and Allan Pabian, Account Executive, of the Orange County Register; of plaques for Huntington Beach being voted as "The Best City to Live In" and for the 4th of July Parade being voted "Best Parade" in Orange County. (160.40)

[Mr. Pabian announced that Huntington Beach won over 33 other cities in the County.]

Presentation – By Mayor Pam Julien Houchen to Police Captain Bill Mamelli, a Proclamation endorsing the Huntington Beach Youth Summit taking place in February 2002. The Summit will provide close to one hundred local high school students an opportunity to develop their leadership skills in order to deal with adolescent drug and alcohol issues. The students will be selected from each of the high schools that make up the Huntington Beach Union High School District. (160.40)

[Captain Mamelli accepted on behalf of Officer Bruce Bradley.]

Mayor's Award – Associate Planner, Jane James, Planning Department. (120.70)

B. PUBLIC COMMENTS

The City Council welcomes public comments on all items on this agenda or of community interest. We respectfully request that this public forum be utilized in a positive and/or constructive manner. Please focus your comments on the issue or problem that you would like to bring to the attention of the City Council.

This is the time to address Council regarding items of interest or on agenda items OTHER than Public Hearings.

3 minutes per person, time may not be donated to others.
No action can be taken by Council/Agency on this date unless agendized.

Complete the attached pink form and give to the Sergeant-At-Arms located near the speaker's podium

- (1) *Speaker extended invitation to all to the Cultural Diversity Festival at Central Park***
- (2) *Speaker requested support for "Pennies for Prevention" to support drug prevention at schools. Gave locations where pennies can be donated.***
- (3) *Speaker protesting helicopter noise at night near his residence.***
- (4) *Speaker opposed to hours and noise from produce trucks.***
- (5) *Speaker requesting combining utility tax measure with infrastructure measure.***
- (6) *Speaker opposed to format of petition which had been circulated on the Property Rights Protection Measure and requesting City Attorney to invalidate petition sections he believes affected.***
- (7) *Speaker informing dog owners of available Dog Park in Costa Mesa close to the 405 Freeway and re: actions of other agencies (sewer-water-etc.) adversely affecting the city; also opposed to proposed charter amendment (Property Rights Protection Measure).***
- (8) *Speaker recommending subcommittee of Public Works Commission to include volunteers regarding Infrastructure. Also requested that the ballot items on the utility tax and the infrastructure be combined on one measure.***
- (9) *Speaker in support of Agenda Item E-19.***

C-1. Council Committee/Council Liaison Reports
[None]

C-2. City Administrator's Report

C-2a. (City Administrator's Report) Presentation on the History of City and County-Wide Sales Tax Growth Including Major Industrial Development and Job Creation Highlights within the City (160.40)

A PowerPoint presentation will be given regarding the history of sales tax growth for Huntington Beach and other Orange County cities, including major industrial project development and job creation highlights within the city.

[City Administrator presented (Late Communication) report.]
[Councilmember Garofalo requested update every 6 months regarding property values and to show progress of industrial/commercial/retail business square footage.]

C-3. (City Council) Review and Accept Shari Freidenrich, City Treasurer's August 2001 Report, City of Huntington Beach Summary of City Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity (310.20)

Communication from the City Treasurer Shari Freidenrich transmitting the Monthly Investment Report for August 2001.

Recommended Action: Motion to:

Review and accept the monthly report. Following review of the report, by motion of Council, accept the Monthly Investment Report *Summary of Investment Portfolio, Bond Proceeds, and Deferred Compensation Activity for August 2001*, pursuant to Section 17.0 of the Investment Policy of the City of Huntington Beach.

[City Treasurer presented report (Late Communication)]
[Approved 7-0]

D. PUBLIC HEARINGS

Anyone wishing to speak on an OPEN public hearing is requested to complete the attached pink form and give it to the Sergeant-at-Arms located near the Speaker's Podium.

D-1. (City Council) Public Hearing - Continued from October 1, 2001 - Consideration of an Appeal Filed by Mayor Pro Tem Debbie Cook of the Planning Commission's Approval of Conditional Use Permit No. 00-58 (s/w Corner of Warner Avenue/ Goldenwest Street Chevron Service Station) Applicant: RHL Design Group, Inc./ Larry Tidball (Includes Request for Alcoholic Beverage Permit) - Original Public Hearing Opened and Closed May 7, 2001 with Referral to the Design Review Board (420.40)

Communication from the Planning Department of a public hearing to consider:

Applicant: RHL Design Group/Larry Tidball, 1201 S. Beach Boulevard, Suite No. 207, La Habra, CA 90631.

Appellant: Debbie Cook, Huntington Beach Mayor Pro Tempore

Request: Appeal of the Planning Commission's approval to permit the construction and operation of a service station. Conditional Use Permit No. 00-58 represents a request to: **a)** demolish the existing service station facility and permit construction of a service station with a convenience market, a freestanding gas pump canopy, two self-service pump islands with four dual-sided pumps, two underground storage tanks and associated site improvements on a 22,500 sq. ft. corner lot; and **b)** permit alcoholic beverage sales (beer and wine) for off-site consumption.

The project was referred to the Design Review Board by the City Council at their public hearing of May 7, 2001. The project was reviewed by the Design Review Board on September 13, 2001, with a recommendation to the City Council for consideration and final action.

Location: 6972 Warner Avenue (southwest corner of Warner Avenue and Goldenwest Street)

Environmental Status: This agenda item is categorically exempt from the provisions of the California Environmental Quality Act.

On File: A copy of the proposed request is on file in the City Clerk's Office, 2000 Main Street, Huntington Beach, for inspection by the public. A copy of the staff report will be available to interested parties at the City Clerk's Office after Friday, October 12, 2001.

All interested persons are invited to attend said hearing and express opinions or submit evidence for or against the application as outlined above. If you challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. If there are any further questions please call the Planning Department at 714-536-5271 and refer to the above items. Direct your written communications to the City Clerk.

(Continued on Next Page)

1. Staff report
2. City Council discussion
3. Open public hearing
4. Following public input, close public hearing

Recommended Action: Motion to:

- A.** Approve Conditional Use Permit No. 00-58 with the revised architecture as recommended by the Design Review Board with Findings and Conditions of Approval (Attachment No. 3);

[Approved 6-1 (Dettloff No)]

OR

~~B. Staff Recommendation:~~ Motion to:

~~Deny Conditional Use Permit No. 00-58 with Findings for Denial (Attachment No. 2).~~

[Planning Director presented report (Late Communication)]

[Councilmember Bauer requested staff track MTBE for report to Council upon request.]

Administrative Hearing

D-2 is an administrative public hearing. This administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting. Written communications to the City Council may also be mailed to the City Clerk.

D-2. (City Council) Administrative Hearing – Adopt Resolution No. 2001-73 – Approving Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Communication from the City Attorney and the City Treasurer.

Administrative public hearing as required by the California Government Code Section 38377.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

1. Staff report
2. City Council discussion
3. Open administrative hearing
4. Following public input, by property owners, close administrative hearing

Recommended Action: Motion to:

Adopt **Resolution No. 2001-73** entitled “A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.”

[Assistant City Attorney presented]

[Adopted 5-0-2 (Green, Garofalo out of room)]

E. CONSENT CALENDAR

All matters listed on the Consent Calendar are considered by the City Council and Redevelopment Agency to be routine and will be enacted by one motion in the form listed.

Recommended Action: Approve all items on the Consent Calendar by affirmative roll call vote.

- E-1. **(City Council/Redevelopment Agency) Minutes** - Approve and adopt the minutes of the City Council/Redevelopment Agency Regular meetings of September 4, 2001 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.
[Approved 7-0]
- E-2. **(City Council) Adopt Resolution No. 2001-74 - Refunding Bonds for Community Facilities Districts 1990-1 (Goldenwest Street and Ellis Avenue)** (330.30) - Adopt **Resolution No. 2001-74** - *"A Resolution of the City Council of the City of Huntington Beach Authorizing the Issuance of 2001 Special Tax Refunding Bonds of the City for and on Behalf of the City of Huntington Beach Community Facilities District No. 1990-1 (Goldenwest/Ellis Area), Approving and Directing the Execution of a Fiscal Agent Agreement and an Escrow Agreement, Approving the Sale of Such Bonds, and Approving Other Related Documents and Actions."* Submitted by the Administrative Services Director. Funding Source: Special Revenue Refunding Bond Proceeds.
[Adopted 7-0]
- E-3. **(City Council) Accept Bid and Award Contract to Brongo Construction, Inc. for the Water Pipeline Replacement Projects; CC-1170 – (1) Adams from 17th to Huntington (2) 17th from Palm to Utica (3) Alley between 12th and 13th Streets from Palm Northerly (4) Alley e/o Huntington from Atlanta Northerly** (600.60) - 1. Accept the lowest responsive/responsible bid submitted by Brongo Construction, Inc. and authorize the Mayor and City Clerk to execute the approved construction contract for the Water Pipeline Replacement Projects, CC-1170; and 2. Authorize the Director of Public Works to expend a total of \$1,475,499.25, which includes the bid cost of \$1,217,879; bid alternate costs for adjacent street paving improvements of \$51,629.25; estimated contingency of \$127,000 (approximately 10% of construction); \$16,000 for construction support services and \$63,000 for supplemental expenditures. Submitted by the Public Works Director. Funding Source: \$1,475,500 - Water Account (\$1,423,870) and Measure M Minor Street Improvements Account (\$51,630).
[Approved 7-0]
- E-4. **(City Council) Accept the Terra-Cal Construction, Inc. Contract for the Beach Boulevard Median Improvements; CC-1143 and File a Notice of Completion** (600.80) - Accept the Beach Boulevard Median Improvements CC-1143 at a final cost of \$913,603 and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office. Submitted by the Public Works Director. Funding Source: Federal Transportation Enhancement Activities (TEA) Grant and Measure M funds.
[Approved 7-0]

- E-5. **(City Council) Accept the Sancon Engineering, Inc Contract for the Community Development Block Grant (CDBG) 2000/2001 Sewer Lining Project; CC-1141 for the Gothard, Newland, Villa Yorba and Washington Neighborhood Enhancement Areas and File a Notice of Completion** (600.60) - Accept the 2000/01 Sewer Repairs Project, CC-1141, at a final cost of \$216,804.80, and authorize the City Clerk to file a Notice of Completion with the County Recorder's Office. Submitted by the Public Works Director. Funding Source: FY 2000/01 Community Development Block Grant (CDBG) Program.

[Approved 7-0]

- E-6. **(City Council) Accept Bid and Award Contract to R.J. Noble Company for the Construction of the Last Phase of the Yorktown Avenue Widening Project, CC-1017 (From Delaware Street to Beach Boulevard)** (600.50) - **1.** Accept the lowest responsible/responsive bid submitted by R.J. Noble Company for the construction of the Yorktown Street Widening Project, CC-1017; and **2.** Approve and authorize the Mayor and City Clerk to execute the construction contract between the City of Huntington Beach and R.J. Noble Company in the amount of \$464,696 for the construction of the Yorktown Street Widening Project, CC-1017; and **3.** Authorize the Director of Public Works to expend up to \$534,400, which includes the contract cost of \$464,696, estimated contingency of \$46,469, and \$23,235 in undesignated supplemental expenditures. Submitted by the Public Works Director. Funding Source: \$700,000 - Measure M, Yorktown Widening Account. (The widening of Yorktown Avenue from Delaware Street to Beach Boulevard is the last phase of a multi-phase project to improve Yorktown from Delaware to Newland Streets.)

[Approved 7-0]

- E-7. **(City Council) Approve the Release of Securities for Tract No. 14660 and Accept the Public Improvements (Shea Vickers Belmont, LLC) - s/e Corner of Gothard Street and Ellis Avenue** (420.60) - **1.** Accept the improvements constructed and dedicated for public use with Tract No. 14660; and **2.** Release Shea Vickers Belmont, LLC, Faithful Performance/Labor and Material Bond No. 00-223-279 and Monument Bond No. 00-223-280 pursuant to California Government Code Section No. 66499.7; and **3.** Accept Shea Vickers Belmont, LLC's Guarantee and Warranty Maintenance Bond No. 00-223-279-A, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **4.** Instruct the City Clerk to notify the developer, Shea Vickers Belmont, LLC, of this action, and the City Treasurer to notify the Surety, American Home Assurance Company, of this action; and **5.** Instruct the City Clerk to record the **Notice of Acceptance of Public Improvements** (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.

[Approved 7-0]

- E-8. **(City Council) Approve the Release of Securities for Tract No. 14352 and Accept the Public Improvements (JT Development Company, LLC) Main and 5th Streets and Orange and Olive Avenues** (420.60) - **1.** Accept the improvements constructed and dedicated for public use with Tract No. 14352; and **2.** Release JT Development Company, LLC, Faithful Performance/Labor and Material Bond No. 437455S and Monument Bond No. 437454S pursuant to California Government Code Section No. 66499.7; and **3.** Accept JT Development Company, LLC, Guarantee and Warranty Bond No. 437455S, the security furnished for guarantee and warranty of improvements, and instruct the City Clerk to file the bond with the City Treasurer; and **4.** Instruct the City Clerk to notify the developer, JT Development Company, LLC, of this action, and the City Treasurer to notify the Surety, Developers Insurance Company, of this action; and **5.** Instruct the City Clerk to record the **Notice of Acceptance of Public Improvements** (attached) with the Orange County Recorder. Submitted by the Public Works Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-9. **(City Council) Adopt Resolution No. 2001-75 Amending Resolution No. 5159 Imposing a Criminal Justice Administration Fee for Recovery of Costs Incurred in Conjunction with the Police Department Booking and Processing of Arrestees** (340.20) - Adopt **Resolution No. 2001-75** - *"A Resolution of the City Council of the City of Huntington Beach Amending Resolution No. 5159 Entitled, "A Resolution of the City Council of the City of Huntington Beach Establishing a City Fee Schedule" to Recover Administrative Costs Incurred in Conjunction with Booking and Processing Arrestees (Police Department Services) (Supplemental Fee Resolution No. 83)."* Submitted by the Police Chief. Funding Source: This is a revenue source. The only indirect costs would be preparation of additional paperwork to bill the detainees, which is minimal. Revenues would be directed to the existing Jail Programs Account.
[Adopted 7-0]
- E-10. **(City Council) Approve Affordable Rental Housing Agreement for PLC (Siena Apartments, a 29 Unit Project at n/w Corner of Main and Gothard Streets)** (600.10) - Approve the *Agreement Containing Covenants Affecting Real Property (Affordable Rental Housing)* by and between the City of Huntington Beach and PLC, and authorize the Mayor and City Clerk to execute (Attachment No. 1.) Submitted by the Planning Director. Funding Source: Not Applicable.
[Approved 7-0]

- E-11. **(City Council) Adopt Resolution No. 2001-76 for Funding Application Under the Urban Recreational and Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Program (URCC) Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 to Refurbish the Shipley Nature Center in Huntington Central Park** (340.80) - Adopt **Resolution No. 2001-76** - *"A Resolution of the City Council of the City of Huntington Beach Approving the Application for Grant Funds for Urban Recreational and Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Program Under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 to Refurbish the Shipley Nature Center Located in Huntington Central Park."* Submitted by the Community Services Director. Funding Source: State of California 2000 Park Bond Act.
[Adopted 7-0]
- E-12. **(City Council) Adopt Resolution No. 2001-77 - Establishing a Policy Regarding Offers from Other Public Agencies to Sell Surplus Real Property** (100.10) - Adopt **Resolution No. 2001-77** - *"A Resolution of the City Council of the City of Huntington Beach Establishing a Policy Regarding Offers to the City from Other Public Agencies to Sell Surplus Real Property."* Submitted by the Administrative Services Director. Funding Source: Not Applicable.
[Adopted 7-0]
- E-13. **(City Council) Approve Professional Services Contract between the City and AON Consulting Services, Inc. for Actuarial Services - City's Supplemental Retirement and Retiree Medical Subsidy Plans** (600.10) - Approve and authorize the Mayor and City Clerk to execute the *Professional Services Contract between the City of Huntington Beach and AON Consulting, Incorporated for Actuarial Studies Services.* Submitted by the Administrative Services Director. Funding Source: For the first year of the contract, funds are budgeted in the fiscal year 2001-02 Supplemental Retirement Account.
[Approved 7-0]
- E-14. **(City Council) Accept Bid and Award Construction Contract to Belaire-West Landscape, Inc. for the Warner Avenue Median Landscape Project, CC-1051** (600.80) – **1.** Approve the attached Sample Contract subject to award of the contract to the lowest responsive/responsible bidder; and **2.** Accept the bid form Belaire-West Landscape, Inc., the lowest responsive/responsible bidder for the construction of the Warner Avenue Median Landscape Project, CC-1051; and **3.** Approve and authorize the Mayor and City Clerk to execute the construction contract between the City of Huntington Beach and Belaire-West Landscape, Inc., in the amount of \$226,000, for the construction of the Warner Avenue Median Landscape Project, CC-1051; and **4.** Authorize the Director of Public Works to expend up to \$282,600, which includes the contract cost of \$226,000, an estimated contingency of \$45,200 and \$11,400 in supplemental expenditures. Submitted by the Public Works Director.
[Approved 7-0]

- E-15. **(City Council) Approve the Agreement between the County of Orange and the City of Huntington Beach for Provision of Environmental Health Services Retroactive from July 1, 2001** (600.25) – Approve and authorize the Mayor and City Clerk to execute the *Agreement for Provision of Environmental Health Services between the County of Orange and the City of Huntington Beach*. Submitted by the Planning Director. Funding Source: Not Applicable.
[Approved 7-0]
- E-16. **(City Council) Approve in Concept Renewal of the Professional Services Contract between the City and the Ferguson Group for Federal Funding Acquisition Assistance with Priority Projects within the City** (600.10) – Approve the attached draft agreement for professional services between the City of Huntington Beach and the Ferguson Group for the purpose of assisting the City in the acquisition of Federal funds for priority projects within the city, and authorize the Mayor and City Clerk to execute the agreement in substantially the same form subject to final approval by the City Attorney and the City Administrator. Submitted by the City Administrator. Funding Source: 2001-03 Fiscal Years – General Fund, Non-Departmental Account. The total cost for this contract is not to exceed \$76,000 per year or \$152,000 for two years.
[Approved 7-0]
- E-17. **(City Council) Approve Plans and Direct Staff to Proceed with the Permanent Installation at the Civic Center of the Art Collection from the City's Two Sister Cities of Anjo, Japan and Waitakere, New Zealand** (900.10) – Approve the installation plans for a permanent display of artwork and artifacts at the Civic Center from the Sister Cities of Anjo, Japan and Waitakere, New Zealand, and direct staff to proceed. Submitted by the Community Services Director. Funding Source: Not Applicable. (City Council Liaisons Mayor Pam Julien Houchen and Councilmember Shirley Dettloff, along with the Sister City Association, recommend this program to highlight the collection and program to the community.)
[Approved 7-0]
- E-18. **(City Council) Approve Professional Services Contract between the City of Huntington Beach and Diehl Evans and Company, LLP for Independent Certified Public Accountant Audit Services of the City's Financial Statements for Fiscal Year Ending September 30, 2001** (600.10) – Approve the attached *Professional Services Contract between the City of Huntington Beach and Diehl Evans & Company, LLP for Audit Services*. Submitted by the Administrative Services Director. Funding Source: General Fund Account - \$46,500.
[Approved 7-0]

- E-19. **(City Council) Approve Amendment No. 1 to the Professional Services Contract between the City and Frank Wilson & Associates for the Implementation of Phase III of the Huntington Beach Infrastructure Improvement Program, Public Outreach Program** (600.10) – Approve and authorize the Mayor and City Clerk to execute *Amendment No. 1 to Agreement between the City of Huntington Beach and Frank Wilson and Associates, Inc. for Professional Services to Provide a Public Information and Community Outreach Assistance to City for the City's Infrastructure Improvement Program.* Submitted by the Communications and Special Projects Director. Funding Source: 2001/2002 Public Information Budget, under business unit HBTv-3 Other Professional Services - \$175,000.
[Table until 2nd Meeting in December (12-17-01) to be determined if an Advocacy Group will come forward and City Administrator reports on meeting with IAC – Approved 5-2 (Green, Dettloff No)]
- E-20. **(City Council) Approve in Concept Professional Services Contract between the City and Advocations, Inc. to Assist in the Acquisition of State Funding for Priority Projects Within the City and with Related State Legislative Issues** (600.10) –
1. Approve Advocations, Inc. to assist the city in acquisition of State funding for priority projects within the city and related State Legislative Issues; and 2. Authorize the Mayor and City Clerk to execute a two year agreement between the City of Huntington Beach and Advocations, Inc. upon approval of the agreement by the City Attorney and the City Administrator, for an amount not to exceed \$56,500 for the first year with an option for the city to renew for a second year at an amount not to exceed \$64,000. Submitted by the City Administrator. Funding Source: 2001-03 Fiscal Years – General Fund, Non-Departmental Account. The total cost for this contract is not to exceed \$56,500 in the first year and \$64,000 in the second year.
[Motion withdrawn to select Townsend Public Affairs to lobby for specific park funding projects.]
[Approved 5-2 (Boardman, Cook No)]

F. Administrative Items

F-1. (City Council) Amend the Duties of the Public Works Commission by (1.) Approving Introduction of Ordinance No. 3515 to Amend Chapter 2.111 of the Huntington Beach Municipal Code Relating to the Proposed Citizens' Infrastructure Advisory Board; and (2.) Adopting Resolution No. 2001-78 to Establish the Procedure for Marked Crosswalk Removal (640.10/800.80)

Communication from the Public Works Director recommending that the duties of the Public Works Commission (PWC) be revised to allow the Commission to hold public hearings to determine the removal of marked crosswalks and serve as the Infrastructure Advisory Board.

The Infrastructure Advisory Committee in their final report of July 2000, recommended that the City Council adopt a resolution adding a ballot measure to amend the City Charter. This Infrastructure Fund Charter Amendment would include the provision of a Citizens' Infrastructure Advisory Board to conduct an annual review and performance audit of the Infrastructure Fund and report its findings to the City Council prior to adoption of the following fiscal year budget. **(See Agenda Item Nos. F-2 and F-5.)** Funding Source: None Required.

This communication sets forth that a resolution for the Crosswalk Removal policy is required:

Recommended Action: Motion to:

1. Adopt **Resolution No. 2001-78** – *“A Resolution of the City Council of the City of Huntington Beach Approving a Procedure for the Removal of Existing Marked Crosswalks on Public Streets and Delegating to the City's Public Works Commission the Authority to Conduct Public Meetings and to Make Decisions Regarding Such Crosswalk Removals;”*

[Adopted 6-0-1 (Garofalo out of room)]

and

This communication also sets forth than an ordinance revision for the Public Works Commission is required:

Recommended Action: After the City Clerk reads by title, motion to:

2. Approve introduction of **Ordinance No. 3515** – *“An Ordinance of the City of Huntington Beach Amending Chapter 2.111 of the Huntington Beach Municipal Code Relating to the Duties of the Public Works Commission.”*

[Approved Introduction of Ord. No. 3515 – 6-0-1 (Garofalo out of room)]

F-2. (City Council) Adopt Resolution No. 2001-79 Calling and Giving Notice of March 5, 2002 Special Municipal Election to Submit Measures to the Voters (1) Charter Amendment Initiated by Petition Relative to Property Rights Protection (2) Charter Amendment to Establish Infrastructure Fund (3) Advisory Only Measure Re: Utility Tax Paid Solely by Electric Power Plant; and (4) Measure to Remove an Electric Power Plant's Exemption from Paying Utility Tax – Adopt Emergency Ordinance No. 3516 by Unanimous Vote Amending Sections 3.36.010 and 3.36.080 of Chapter 3.36 of the Huntington Beach Municipal Code Relating to the Exemption of Electrical Corporations for Paying Utilities Tax (620.30)

Communication from the City Attorney, City Clerk and the Public Works Director transmitting Resolution No. 2001-79 for adoption by Council to call a Special Municipal Election for March 5, 2002 to submit the following four measures to the voters:

4.

<u>Property Rights Protection Measure</u> “Shall the City Charter of the City of Huntington Beach be amended to prohibit the City from enacting or enforcing any measure, with certain stated exceptions, which measure mandates the price or other consideration payable to the owner of real property in connection with the property's sale, lease, rent, exchange or other transfer (for example, by the adoption of a rent control ordinance)?”	YES	
	NO	

1.

<u>Property Rights Protection Measure</u> “Shall the Charter of the City of Huntington Beach be amended by adding a new section thereto providing that only a property owner can establish the price or terms regarding that property's sale, lease, rental, exchange or transfer; and prohibiting the City of Huntington Beach from legislating or regulating the price or terms concerning the sale, lease, rental, exchange or transfer of property (for example, by the adoption of a rent control ordinance)?”	YES	
	NO	

2.

<u>Creation of Infrastructure Fund</u> “Shall the Huntington Beach Charter be amended to establish an “Infrastructure Fund” with all infrastructure revenues raised, and accrued interest, directed into the Fund; prohibiting the transfer or loan of Fund monies; requiring that General Fund expenditures for infrastructure not be reduced below 15% of General Fund revenues based on a five-year rolling average; and requiring that City Council designate an advisory board to annually review and audit the Infrastructure Fund?”	YES	
	NO	

(Continued on Next Page)

3.

<u>Advisory Vote Only. Infrastructure Fund.</u> <u>Power Plant Utility Tax</u> “Should the Utility Tax paid solely by an electric power plant be placed into an Infrastructure Fund to be used only for the maintenance, construction and repair of infrastructure such as storm drains, storm water pump stations, alleys, streets, highways, curbs and gutters, sidewalks, bridges, street trees, landscaped medians, parks, beach facilities, playgrounds, traffic signals, street lights, block walls along arterial highways and all public buildings and public ways?”	YES	
	NO	

4.

<u>Amendment of Utility Tax by Removing Electric Power Plant Exemption</u> “Shall the ordinance requiring an electric power plant to pay the same Utility Tax as do residents and businesses of the City of Huntington Beach by amending the Huntington Beach Municipal Code to remove Section 3.36.080(b) and make corresponding changes to Section 3.36.010(g), be adopted?”	YES	
	NO	

Transmitted is Emergency Ordinance No. 3516 to be adopted by unanimous vote (7), which would amend Sections 3.36.010 and 3.36.080 of Chapter 3.36 of the Huntington Beach Municipal Code, regarding the exemption of electrical corporations from paying utilities tax; and would become effective only if it received a majority vote at the March 5, 2002 election.

Funding Source: Approximately \$80,000 to \$100,000 expenditure from the General Fund.

Recommended Action: Motion to:

1. Adopt **Emergency Ordinance No. 3516**, after reading by title – “An Emergency Ordinance of the City of Huntington Beach Amending Sections 3.36.010 and 3.36.080 of Chapter 3.36 of the Huntington Beach Municipal Code, Regarding the Exemption of Electrical Corporations from Paying Utilities Tax.”
[Adopted 7-0 (Not effective until March 5, 2002, if and when election passes.)]

and

2. Adopt **Resolution No. 2001-79** - “A Resolution of the City Council of the City of Huntington Beach Calling and Giving Notice of the Holding of a Special Municipal Election to be Consolidated with the Statewide Primary Election on Tuesday, March 5, 2002, for the Submission to the Qualified Voters of Four Separate Ballot Measures: Two Proposed Charter Amendments; an Advisory Measure; and a Proposed Ordinance;”
[Adopted as amended 7-0]

F-3. (City Council) Adopt Resolution No. 2001-80 Requesting Board of Supervisors to Consolidate the City of Huntington Beach Special Municipal Election with the March 5, 2002 Statewide Primary Election (620.30)

Communication from the City Attorney, City Clerk and Public Works Director transmitting that pursuant to State of California Elections Code S.10403 it is necessary that the City Council request the County Board of Supervisors to consent and agree to the consolidation of the City of Huntington Beach Special Municipal Election with the Statewide Primary Election on Tuesday, March 5, 2002. Four ballot measures are to be submitted to the voters. Funding Source: Approximately \$80,000 to \$100,000 expenditure from the General Fund.

Recommended Action: Motion to:

Adopt **Resolution No. 2001-80** – “A Resolution of the City Council of the City of Huntington Beach, Pursuant to Section 10403 of the State’s Election Code, Requesting the Board of Supervisors of the County of Orange to Consolidate a Special Municipal Election to Be Held on March 5, 2002, with the Statewide Primary Election to Be Held on the Same Date.”

[Adopted as amended per Agenda Item F-2(1) 7-0]

F-4. (City Council) Adopt Resolution No. 2001-81 – Sets Priorities for Written Arguments Re: City Measure – Proposed Charter Amendment Initiated by Mr. Ed Laird, Proponent (Property Rights Protection) – Special Municipal Election of March 5, 2002 (620.30) –

Communication from the City Attorney and the City Clerk transmitting that with regard to written arguments, the proponent of the proposed Charter Amendment has priority to file an argument in favor. If Council wishes to have first priority to file an argument **(against)** the proposed Charter Amendment (Property Rights Protection) – initiated by Mr. Ed Laird (Proponent) – the Council **may** vote to authorize and name up to 5 Councilmembers to file an argument **against** the proposed measure: Should Council choose not to have priority, written arguments shall be selected by the City Clerk pursuant to the State Elections Code.

Actions Available to Council: Motion to:

~~(a) Adopt **Resolution No. 2001-81** after naming Councilmembers authorized to file written arguments **against**, and to direct the preparation of an Impartial Analysis – “A Resolution of the City Council of the City of Huntington Beach Setting Priorities for Filing a Written Argument Against a City Measure (A Proposed Initiative Petition Amendment to the City’s Charter) and Directing the City Attorney to Prepare an Impartial Analysis of Said Measure;”~~

OR

(b) Adopt **Resolution No. 2001-81, as amended, to only provide for the City Attorney to prepare an Impartial Analysis;**

[Adopted as amended per Agenda Item F-2(1) 7-0]

OR

(c) Do not adopt **Resolution No. 2001-81 which would result in Councilmembers not given priority in the filing of the argument **against**, and no Impartial Analysis prepared.**

F-5. (City Council) Adopt Resolution No. 2001-81 – Sets Priorities for Written Arguments Re: City Measure – Creation of Infrastructure Fund – Special Municipal Election of March 5, 2002 (620.30) –

Communication from the City Attorney and the City Clerk transmitting that with regard to written arguments, that if Council wishes to have first priority to file arguments relative to the measure to create an Infrastructure Fund, the Council may vote to: **(1) Authorize and name Councilmembers to file argument in favor (2) Authorize and name Councilmembers to file argument against (3) Authorize and name Councilmembers to file an argument in favor and an argument against.** (Sometimes done to allow minority of members to file opposing arguments.)

If Councilmembers choose not to authorize its members to file written arguments, the City Clerk will select written arguments pursuant to State Elections Code 9287.

Actions Available to Council: Motion to:

- (a) Adopt Resolution No. 2001-82** after naming Councilmembers authorized to file written arguments, and to direct the preparation of an Impartial Analysis – “A Resolution of the City Council of the City of Huntington Beach Setting Priorities for Filing a Written Argument Regarding a City Measure (A Proposed Amendment to the City’s Charter) and Directing the City Attorney to Prepare an Impartial Analysis of Said Measure;”

[Named: Green, Boardman, Cook, Julien Houchen and Dettloff – Adopted 7-0]

OR

- (b) Adopt Resolution No. 2001-82, as amended, to not give Council first priority to file written arguments but to direct the preparation of an Impartial Analysis;**

OR

- (c) Do not adopt any part of Resolution No. 2001-82 which would result in priority not given to Council, and no Impartial Analysis.**

F-6. (City Council) Adopt Resolution No. 2001-83 – Sets Priorities for Written Arguments Re: City Measure – ADVISORY VOTE ONLY Placement of Utility Tax Revenue from Electric Power Plant in an Infrastructure Fund – Special Municipal Election of March 5, 2002 (620.30) –

Communication from the City Attorney and the City Clerk transmitting that with regard to written arguments, that if Council wishes to have first priority to file arguments relative to the ADVISORY VOTE ONLY measure regarding the proposed use of revenue derived from a utility tax paid by an electric power plant, the Council may vote to: **(1) Authorize and name Councilmembers to file argument in favor (2) Authorize and name Councilmembers to file argument against (3) Authorize and name Councilmembers to file an argument in favor and an argument against.** (Sometimes done to allow minority of members to file opposing arguments.)

If Councilmembers choose not to authorize its members to file written arguments, the City Clerk will select written arguments pursuant to State Elections Code 9287.

Actions Available to Council: Motion to:

- (a) Adopt Resolution No. 2001-83** after naming Councilmembers authorized to file written arguments, and to direct the preparation of an Impartial Analysis – “A Resolution of the City Council of the City of Huntington Beach Setting Priorities for Filing a Written Argument Regarding a City Measure (A Proposed Advisory Measure) and Directing the City Attorney to Prepare an Impartial Analysis of Said Measure;”
[Named: Green, Cook, Julien Houchen, Dettloff and Bauer – Adopted 7-0]

OR

- (b) Adopt Resolution No. 2001-83, as amended, to not give Council first priority to file written arguments but to direct the preparation of an Impartial Analysis;**

OR

- (c) Do not adopt any part of Resolution No. 2001-83 which would result in priority not given to Council, and no Impartial Analysis.**

F-7. (City Council) Adopt Resolution No. 2001-84 – Sets Priorities for Written Arguments Re: City Measure - Amendment of Utility Tax by Removing Electric Power Plant Exemption from Paying Utility Tax – Special Municipal Election of March 5, 2002 (620.30)

Communication from the City Attorney and the City Clerk transmitting that with regard to written arguments, that if Council wishes to have first priority to file arguments relative to the measure to amend the Huntington Beach Municipal Code to require an electric power plant to pay the same Utility Tax as do residents and businesses in the City of Huntington Beach, the Council may vote to: **(1) Authorize and name Councilmembers to file argument in favor (2) Authorize and name Councilmembers to file argument against (3) Authorize and name Councilmembers to file an argument in favor and an argument against.** (Sometimes done to allow minority of members to file opposing arguments.)

If Councilmembers choose not to authorize its members to file written arguments, the City Clerk will select written arguments pursuant to State Elections Code 9287.

Actions Available to Council: Motion to:

- (a) Adopt Resolution No. 2001-84** after naming Councilmembers authorized to file written arguments, and to direct the preparation of an Impartial Analysis – “A Resolution of the City Council of the City of Huntington Beach Setting Priorities for Filing a Written Argument Regarding a City Measure (A Proposed Ordinance) and Directing the City Attorney to Prepare an Impartial Analysis of Said Measure;”
[Named: Green, Boardman, Cook, Julien Houchen, and Bauer – Adopted 7-0]

OR

- (b) Adopt Resolution No. 2001-84, as amended, to not give Council first priority to file written arguments but to direct the preparation of an Impartial Analysis;**

OR

- (c) Do not adopt any part of Resolution No. 2001-84 which would result in priority not given to Council, and no Impartial Analysis.**

- F-8. **(City Council) Adopt Resolution No. 2001-85 Providing for the 2001 State of California Elections Code Revision Re: Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections** (620.30)
Communication from the City Clerk informing Council that a revision was made to the 2001 State of California Elections Code pertaining to the filing of Arguments for City Measures at Municipal Elections. The revision relates to S. 9283 *Arguments not accepted without names.*

Recommended Action: Motion to:

Adopt **Resolution No. 2001-85** – “A Resolution of the City Council of the City of Huntington Beach Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections.”

[Adopted 7-0]

G. **Ordinances**

G-1. **Ordinance for Adoption**

- G-1a. **(City Council) Adopt Ordinance No. 3513 Amending Section 12.10.010 of the Huntington Beach Municipal Code Relating to the Adoption of Standard Specifications for Public Works Construction** (640.10) - **Ordinance No. 3513** - “An Ordinance of the City of Huntington Beach Amending Chapter 12.10 of the Huntington Beach Municipal Code Relating to the Adoption of Standard Specifications for Public Works Construction.” Submitted by the Public Works Director. (Introduction approved October 1, 2001)

Recommended Action: After City Clerk reads by title, adopt Ordinance No. 3513, by roll call vote.

[Adopted Ord. No. 3513 (7-0)]

G-2. **Ordinances for Introduction**

- G-2a. **(City Council) Approve Introduction of Ordinance No. 3514 Amending Chapter 8.40 of the Huntington Beach Municipal Code Relating to Loud Noises** (640.10) - **Ordinance No. 3514** - “An Ordinance of the City of Huntington Beach Amending Chapter 8.40 of the Huntington Beach Municipal Code Relating to Loud Noises.” Submitted by the Chief of Police. (The amendment Chapter defines the types of noises.)

Recommended Action: After City Clerk reads by title, approve introduction of Ordinance No. 3514, by roll call vote.

[Approved Introduction of Ord. No. 3514 (7-0)]

H. City Council/Redevelopment Agency Items**H-1a. Submitted By Councilmember Ralph Bauer****(City Council) Request for Reconfiguration of Meadow View School at 5702 Clark Drive to Accommodate Three Soccer Fields** (920.10)

Communication from Councilmember Ralph Bauer transmitting the following **Statement of Issue**: There is an ongoing issue about the use of the fields at Meadow View School. Consistent with the view that maximization of school sites for youth sports is of tremendous long-term benefit to the young people of Huntington Beach, I propose the following motion.

Recommended Action:

I move that the Meadow View School facility be configured to accommodate three soccer fields.

[Withdrawn]

[Councilmember Bauer withdrew item as school district is already handling.]

[Councilmember Green announced Orange County Sanitation District Board meeting to be held November 3, 2001 from 8:00-11:00 a.m. at the Fountain Valley Facility.]

[Councilmember Garofalo spoke regarding his intent to bring forward an H-Council Item re: affordable housing funds being allocated to owners of mobilehomes, to assist with space rent if income requirements are met.]

Council Comments - (Not Agendized)

At this time Councilmembers may report on items not specifically described on the agenda which are of interest to the community. No action or discussion may be taken except to provide staff direction to report back or to place the item on a future agenda.

Council/Agency Adjournment to Monday, November 5, 2001, at 5:00 p.m., in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

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